

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 15, 2002

DIVISION ONE

B149956 People (Not for Publication)
v.
Lopez

We reverse the judgment and remand the case for a new trial consistent with the views expressed herein.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B146998 George J Damaa
v.
Mercedes-Benz USA, LLC

Filed order vacating submission order of February 19, 2002. Pending action by the California Supreme Court in the underlying matter of In re George Damaa on Habeas Corpus (S104277) and until further order of this Court.

B155804 Barry B Kaufman et al.
v.

B156082 ACS Systems, Inc. et al
David L. Amkraut et al.
v.
Pacific Coast Office Products et al.

Filed order consolidating above captioned appeals.

May 15, 2002-Continued

DIVISION TWO

B141705 Meged (Not for Publication)
v.
5915 Franklin Associates, et al.

The award of sanctions is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B149291 People (Not for Publication)
v.
Gabriel F.

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B157068 Melissa M. V. S.C.L.A.
B146273 Lee v. Hoffman
B150470 People v. Salas

Argument waived, cause submitted.

DIVISION THREE (Continued)

B150685 On The Scene Productions, Inc.
 v.
 Greatamerica Leasing Corp.

Merits:
Argued by Philip D. Dapeer for appellant and by Ann Hillary Grosberg for respondent. Cause submitted.

B154316 Los Angeles County, D.C.F.S.
 v.
 David D.

Merits:
Argued by Harry Zimmerman for appellant and by Jacklyn K. Louie, deputy county counsel, for respondent. Cause submitted.

B149848 Stevens
 v.
 API Automotive Insurance, et al.

Merits:
Argued by Norman Goldman for appellant and by Steven H. Weinstein for respondents. Cause submitted.

B149976 People v. Price
B156167 In re Roland H. Price on Habeas Corpus

Merits:
Argued by Patricia J. Ulibarri for appellant-petitioner and by Nora Genelin, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B144995 People
v.
Smith

Merits:

Argued by Christopher Blake and Stephen Matchett for appellants and by Robert D. Breton, deputy attorney general for respondent. Respondent's supplemental brief due on June 4, 2002, appellant's replies due on June 19, 2002. Cause submitted.

Court adjourned at 11:15 A.M.

B144481 Jeanetta E. Marriott
v.
Walter Marriott

Filed order denying petition for rehearing.

DIVISION FIVE

B149286 People (Not for Publication)
v.
Nardell Carter

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B152218 G&G Sprinklers Inc. (Not for Publication)
v.
Perini Building Company

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B152452 Magnetek, Inc. (Not for Publication)
v.
Federal Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION FIVE (Continued)

B156233 Leslie M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary relief is denied. This opinion shall become final immediately upon filing. (Cal. Rules of Court, rule 24(d).)

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

[illegible]

The judgments on the first and second causes of action (breach of contract and breach of implied warranty of fitness) are reversed. The award of attorney's fees and costs to respondents is also reversed. The judgments on the remaining causes of action are affirmed. The matter is remanded for retrial on the first and second causes of action. Retrial on the first and second causes of action shall be limited to the issue of defective repairs. The parties shall bear their own costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J

DIVISION SIX (Continued)

B151744 Suh et al. (Not for Publication)
v.
Lee

The order is affirmed. Appellant shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The 25-year-to-life enhancement (section 12022.53, subs.(d) & (e)(1)) and one of the 20-year enhancements (section 12022.53, subs. (c) & (e)(1)) are stricken as to count 2. The stay is lifted on the section 12022.53, subdivision (c) enhancement. Accordingly, the trial court is ordered to issue an amended abstract of judgment as to count 2 to reflect a sentence of life, plus 20 years for the personal and intentional use of a firearm. (section 12022.53, subd. (c).) In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SIX (Continued)

B148463 Briseno (Not for Publication)
v.
Diamond Video World, Inc.

The trial court's award of damages for sexual harassment is affirmed. Costs on appeal are awarded to Respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B149692 Wallace (Not for Publication)
v.
Weinstock

The judgment (order denying motion to modify spousal support) is affirmed. Michael is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B153608 Santa Barbara County (Not for Publication)
Child Protective Services
v.
Daneen S.
In re Dustin G. and Sarah S.

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

DIVISION SIX (Continued)

B153698 Ventura County Human Services Agency (Not for Publication)
v.
Angelica S.
In re Sabrina S.

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B135371 People (Not for Publication)
v.
Marceleno et al.

We strike the finding that Soto is in violation of probation in CR33994 but otherwise affirm the judgment. The judgment regarding Marceleno is also affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B150392 Anita R. Padgett (Not for Publication)
 v.
 James H. Mitchell, Jr., et al.

The order of dismissal and the order sustaining the demurrer as to Padgett's causes of action against respondents in this appeal are reversed and the cause remanded with the following directions. The trial court shall stay further proceedings in the causes of action against respondents, including discovery as to those causes of action and including a stay of consideration of any demurrer or judgment on the pleadings based on respondents' inability to defend because of the attorney-client privilege. If and when Padgett makes a sufficient showing the other defendants have waived, expressly or by conduct, the attorney-client privilege as to respondents, the trial court shall lift the stay, including the stay of discovery, and proceedings may resume as to the causes of action against respondents. Alternatively, if and when a judgment or settlement is final in the litigation between Padgett and the other defendants, and the trial court determines there has been no waiver of the attorney-client privilege between those defendants and respondents, the trial court shall lift the stay and may consider and, if appropriate, sustain a demurrer or judgment on the pleadings on the causes of action against respondents, consistent with the views expressed earlier in this opinion. Each party is to bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Perluss, J.

B143279 People (Not for Publication)
 v.
 Anthony Flores

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Perluss, J.

DIVISION SEVEN (Continued)

B152534 Jack Herman (Certified for Publication)
 v.
 County of Los Angeles

The judgment denying the petition for writ of mandate is reversed. The cause is remanded to the trial court which shall issue a writ of mandate directed to the County of Los Angeles ordering the County to meet and confer and reach agreement with the Metropolitan Transit Authority, consistent with the law enforcement services contract, on the placement of petitioner in a job with the County or the MTA. Petitioner is awarded costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Perluss, J.

B152815 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Sharon S.
 In re Kirsha S.

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

DIVISION SEVEN (Continued)

B150978 Khosro Vahid (Not for Publication)
 v.
 Texaco, Inc.

The judgment is reversed and the cause is remanded to the trial court with direction to overrule the demurrer as to the first and second causes of action of the first amended complaint. Appellant is awarded his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

B150332 People (Not for Publication)
 v.
 Elaine M. Grey

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

DIVISION EIGHT

B147589 Stokes (Certified for Publication)
 v.
 California Horse Racing Board

The judgment is reversed. The Board is to recover its costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (Continued)

B150488 Vuljak et al. (Not for Publication)
 v.
 Pandeles

The judgment is affirmed. Respondent is awarded costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B150746 Maritz, Wolff & Co. (Not for Publication)
 v.
 Grubb & Ellis Company, Inc.

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.